

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANDRE JONES, et al.,

Plaintiff(s),

v.

RABANCO, LTD., et al.,

Defendant(s).

No. C03-3195P

ORDER ON DISCOVERY  
CONFERENCE OF JUNE 15, 2005

This Order is to memorialize the discovery conference held in the chambers of the Honorable Marsha J. Pechman on the 15th day of June, 2005. The Court has issued two other Orders as a result of this conference. The first refers the Faragher-Ellerth discovery issue in this matter to a Special Master for review. (see Dkt. Nos. 244, 221). The second sets forth rules for the conduct of depositions during the remainder of this litigation. (see Dkt. Nos. 245, 214). Regarding the various other discovery motions that have been filed, the Court rules as follows:

- 1) Pending Summary Judgment and 56(f) Motions to Continue - Corporate Defendants' Motions for Summary Judgment regarding Plaintiffs' Outrage, IIED, and NIED claims (Dkt. No. 141) and Plaintiffs' Workplace Injury claims (Dkt. No. 149) shall be continued until final resolution of the Faragher-Ellerth discovery issue in this case. This continuation is made pursuant to Plaintiffs' 56(f) Motion on these matters (Dkt. No. 154). The current noting dates on these motions will be terminated by the Court. Once the Court has issued its Order regarding the findings of the Special Master and

1 production of the required documents, if any, has been made, the parties may revise  
2 and re-note these motions according to Local Civil Rule 7, if they wish. Additionally,  
3 no more summary judgment motions may be filed by any party to this case until the  
4 Faragher-Ellerth discovery issue is resolved.

5 2) Clarification of Plaintiffs' Amended Complaint- Plaintiffs' counsel is instructed to  
6 clarify which claims are being brought by which Plaintiffs against which Defendants  
7 and to provide this information to Defense counsel within ten (10) days of this Order.  
8 Additionally, Plaintiffs' counsel shall designate the pertinent dates regarding each  
9 claim.  
10

11 3) CR 37 Submission regarding Plaintiffs' Privilege Log (Dkt. No. 232)-Plaintiffs'  
12 counsel is instructed to provide Defense counsel with the date of his first contact with  
13 any Plaintiff in this case, if he has not already done so. Plaintiffs' counsel shall also  
14 provide information regarding his first contact with each Plaintiff and the date of his  
15 contract to represent each. Plaintiffs' counsel has advised the Court that he has not  
16 created signed, third-party witness statements that he is planning to introduce into  
17 evidence. Where Plaintiffs' counsel exchanged any documents with the NAACP or  
18 other third-parties regarding this case prior to the first date of client contact, he must  
19 either turn over those documents to Defense counsel or create a privilege log  
20 describing those documents.  
21

22 4) Plaintiffs' counsel has twenty (20) days from the date of this Order to turn over to  
23 Defense counsel any documents requested that he has obtained from his clients which  
24 are not protected by privilege, and that have not been supplied by Defendants, along  
25 with a signed, dated statement from each client attesting to the completeness of the  
26 submission. If counsel chooses to assert privilege as to any of these documents, he

1 must create a privilege log describing these documents. A reference to documents  
2 received from the Defendants is sufficient to establish that the  
3 documents which Plaintiffs are turning over are in addition to those received by from  
4 the Defendant.

- 5 5) The VanWeelden Deposition (see Dkt. No. 214)- Plaintiffs' counsel shall re-note this  
6 deposition and serve a new subpoena on Mr. VanWeelden. Counsel for all parties shall  
7 cooperate with each other on the scheduling of this deposition.  
8
- 9 6) Motions for Sanctions (see Dkt. Nos. 200, 205)- No costs or sanctions are awarded to  
10 any party at this point in the litigation. The Court will revisit this issue after reviewing  
11 the Special Master's recommendations on the Faragher-Ellerth discovery issue.  
12
- 13 7) Defendant Daniel Marsden's Motion for Summary Judgment regarding Leonard  
14 McDade, Pascual Montalvo, and Lawrence Ortiz (see Dkt. No. 206)- The Court will  
15 review the Marsden summary judgment motion and Plaintiffs' corresponding 56(f)  
16 motion (Dkt. No. 239) for a continuance in order to determine if this motion is ripe for  
17 the Court's consideration.
- 18 8) Counsel for all parties to this case must appear before this Court every thirty (30) days  
19 for a status conference regarding the progress of discovery. At each conference, the  
20 parties will discuss any problems that have arisen and will address any pending  
21 discovery motions. The next conference in this matter will be held on **Tuesday, July**  
22 **12, 2005 at 4:00 p.m.** in Judge Pechman's chambers.

24 The Clerk of the Court shall direct a copy of this order be sent to all counsel of record.

25 Dated: June 15, 2005

26 /s/ Marsha J. Pechman

Marsha J. Pechman  
United States District Judge

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